



Costs Decision

Site visit made on 4 September 2024

by G Sibley MPLAN MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 February 2025

Costs application in relation to Appeal Ref: APP/H1840/W/23/3335894 Land to the rear of Churchill Road, Sedgeberrow WR11 7UQ

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Wolverley Developments Ltd & Citizen Housing Association for a full award of costs against Wychavon District Council.
 - The appeal was against the refusal of planning permission for outline application for the erection of 10 affordable dwellings cross subsidised by 6 market dwellings, for provision of new open space for Sedgeberrow Church of England First School and new open space for community use and associated works with site access to be taken from Cheltenham Road. All matters reserved apart from access.
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Decision

1. The application for an award of costs is refused.

Reasons

2. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The PPG advises that all parties are expected to behave reasonably throughout the planning process. Although costs can only be awarded in relation to unnecessary or wasted expense at the appeal or other proceedings, behaviour, and actions at the time of the planning application can be taken into account in the Inspector's consideration of whether or not costs should be awarded.
4. Whilst the decision was made contrary to the Officer's recommendation at planning committee, this in and of itself is not unreasonable behaviour, so long as the reasons for refusal were clearly set out in the decision notice.
5. The Council's Statement of Case provided detailed reasoning to support the decision and whilst this may have conflicted with its own Officer's recommendations and the conclusions of other professionals, so long as this is supported by objective analysis it is not unreasonable for the decision maker to do so.
6. The Affordable Housing Supplementary Planning Document acknowledges that whether a site is a 'small site' will, in part, depend on the size of the settlement it is associated with, and the amount of market housing (if any) that may be required to make the development viable. In this case the Council took into consideration the size of the settlement and the scale of the proposed development and determined that the site was not a 'small site' for the purposes of Policy SWDP16. While other decisions are a material consideration,

each case must be determined on its own merits. There should be consistency in decision making but there may be circumstances which means that the definition used in one case may be unsuitable for others. Whilst I disagreed with the Council on this matter, I am satisfied that it did provide objective analysis.

7. The Council provided what it considered to be objective analysis concerning the reliability of the data that identified the level of affordable housing need in Sedgeberrow and the surrounding parishes and whether other sites could meet the local need. Whilst I disagreed with the Council's conclusions on this matter, it was not unreasonable to question the robustness of the evidence that was before it.
8. On balance, the committee members carried out an objective analysis of these elements of the proposal, as well as the effect of it upon the landscape, character and appearance of the area. The refusal reasons were substantiated with reference to relevant local and national policies and material considerations.
9. For the reasons set out in my Appeal Decision I disagreed with the Council on the planning merits of the scheme on both matters. However, the weight that is attributed to the material considerations is a matter of planning judgement by the decision maker, which was the planning committee in this instance. The Council did not act unreasonably in making its own judgement on the weight to be given to these matters, including the evidence provided by the appellant and other interested parties, and it did not prevent development which should clearly have been permitted.
10. Whilst the applicant has concerns about the handling of the application, vague, generalised, or inaccurate assertions about the proposal's impact were not made in the reasons for refusal.
11. The applicant was disappointed with the Council's handling of the application, procedures, and outcome. However, its submissions were, on balance, sufficient to substantiate its case and its behaviours and actions at the time of the planning application and this appeal have not resulted in unreasonable behaviour or unnecessary or wasted expense at the appeal stage.

G Sibley

INSPECTOR